

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 2, 4, 12 are amended and claims 33- 56 are added, support for which may be found throughout the specification and drawings as filed. Accordingly, Claims 1-13 and 33-56 are pending.

### **35 U.S.C. §102 (b) Rejection**

Claims 1, 2, 4, 5 and 13 are rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,586,260 to Hu (hereinafter, “Hu”) *See Office Action, Page 4*. Applicant respectfully traverses the rejection and reserves the right to rebut the use of Hu as a reference at a later time. The claims are amended to increase clarity and not in response to the asserted references and therefore the Applicant will address the original rejections below.

**Hu** describes a method and corresponding apparatus for authenticating a client for a server when the client and server have different security mechanisms. An authentication gateway authenticates a client using the client security mechanism and impersonates the client in a call to a server that the client wishes to access. Thus, the communications between the client and the server are passed through the authentication gateway. “When the client wishes to call the server, the client calls the authentication gateway acting as a proxy server, and passes the access key, which is then used to retrieve the security credentials and to impersonate the client in a call to the server. Any output arguments resulting from

the call to the server are returned to the client through the authentication gateway.”

*See Hu, Abstract.* Hu also describes that a proxy server (residing on the authentication gateway) brokers communications between a user and a server when the user does not conform to the security protocol of the server. According to Hu, a client does not need to be registered with a proxy server that it might use.

Regarding **claim 1**, the Examiner asserts that Hu “...discloses a method for communication over a network that allows for the authentication of individuals and control of information comprising: registering with a discovery machine a first user and second user, wherein the first user maintains a first client machine and the second user maintains a second client machine, wherein the first client machine, the second client machine and the discovery machine are coupled to a network” *See Office Action, Page 4.* The Examiner cites the following portion of Hu in rejecting this feature:

Fig. 3 takes the explanation of the authentication scheme one step further, and shows diagrammatically the sequence of steps followed by each of the systems in handling access to the server 12 by a client system 10 not conforming with the security mechanism of the server. The client system 10 includes a log-in procedure 30, and a client application process 32 from which a server request will emanate. The log-in procedure 30 is executed, as its name implies, only infrequently, such as once a day. Part of the log-in procedure is a call to the authentication gateway 22 to permit authentication within the client security domain. This call, indicated by line 34 carries as parameters the identity of a client and any necessary password or security code needed to satisfy the security requirements of the client security domain. The authentication gateway 22 performs the operations necessary to verify the authenticity of the client 10. The authentication gateway 22 acquires authentication credentials

for the client and saves them for later use. The authentication gateway 22 then returns to the log in procedure 30, over line 36, an identifier that confirms authentication of the client. The log in procedure 30 stores the returned identifier in an id cache 38. This completes the first phase of operation of the gateway, which has authenticated the client within the client's security domain and has stored a confirming identifier in the cache 38, over line 40 for later use by the client. *See Hu, Col. 4, Lines 17-43.*

Hu does not in fact disclose registration of a first or second user. Indeed, Hu teaches away from registration, as shown in the following portion of Hu, "Further, the proxy server has no significant management overhead. The proxy server does not store a client's secret key (server based id) and does not need to manage user accounts. For example, *a client does not need to be registered with a proxy server that it might use.*" *See Hu, Col. 7, Lines 11-16 (emphasis added).* Accordingly, Hu does not disclose registration as asserted by the Examiner.

The Examiner further rejects claim 1 asserting that Hu discloses, "the discovery machine establishing a direct link between the first client machine and the second client machine; and delivering the communication" *See Office Action, Page 5.* Additionally, the Examiner asserts that "in response to applicant's arguments that Hu does not suggest that a direct link is established between the first client machine and the second client machine because Hu discloses that communications between the client and the server are communicated via the proxy server....this argument is not persuasive because after a client establishes access to a remote server via the gateway system, **Hu discloses that the proxy server**

merely forwards the communication between the client and the remote server (Col. 3:54-56)". *See Office Action, Pages 2-3 (emphasis added)*. Thus, the Examiner admits that Hu discloses that the proxy server is used during communication between the first and second client machines. The Applicant respectfully submits that this communication is not direct, as the proxy server is actively involved in forwarding communication between the client and the remote server. Claim 1, however, recites "said communication is not delivered through said discovery machine" which as admitted by the Examiner is not disclosed by Hu.

The Examiner also asserts that this reasoning "conforms to the enabling portion of applicant's specification which describes an embodiment wherein a direct link is established between two clients. See pg. 18, paragraph 83." *See Office Action, Page 3*. The Applicant respectfully submits that there is no statutory basis that permits the Examiner to add a portion of the specification *sua sponte* in making a rejection of a claim and therefore this portion of the rejection is respectfully submitted to be erroneous. Withdrawal of the rejection is respectfully requested.

**Claims 2, 4, 5 and 13** are allowable as depending from an allowable base claim. Each of the dependent claims is allowable based on the same rationale discussed with respect to claim 1. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither shown nor suggested in the references of record, either singly or in combination

with one another.

For example, the Examiner does not cite any portion of Hu in rejecting **claim 2**. As the Examiner is aware, the Examiner “ordinarily should reject each claim on all valid grounds available.” *M.P.E.P. §707.07(g)*. Further, “[w]here a major technical rejection is proper, it should be stated with a full development of reasons.” *Id.* Further, the Examiner’s action should be complete as to all matters. *37 C.F.R. 1.104* and *M.P.E.P. §707.07(a)*. In this instance, the Examiner has failed to detail reasons why the above referenced dependent claims are rejected. Therefore, the Examiner has also failed to give the Applicant an opportunity to refute those reasons. Accordingly, it is respectfully submitted that the finality of the rejection is in error and a new office action is earnestly solicited and/or withdrawal of the rejections is respectfully requested. Should the Examiner fail to withdraw the finality or the rejection, the Applicant respectfully requests that the Examiner telephone the below signed Applicant’s Attorney to discuss.

New **Claims 33-56** are allowable based on similar reasoning and therefore the Applicant will not further burden the record. Withdrawal of the rejection is respectfully requested.

### **35 U.S.C. §102 (e) Rejection**

Claims 1, 2 and 9-11 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,112,227 to Heiner (hereinafter, “Heiner”) *See Office Action, Page 6*. Applicant respectfully traverses the rejection and reserves

the right to rebut the use of Heiner as a reference at a later time, such as to antedate the reference. The claims are amended to increase clarity and not in response to the asserted references and therefore the Applicant will address the original rejections below.

With regards to **Claim 1**, it is respectfully submitted that the Examiner uses different devices at different times in Heiner in making the rejection. For example, the Examiner asserts the following portion of Heiner for “registering with a discovery machine a first user and a second user”.

If the source client is not on the reject list, the destination SMTP server holds the e-mail message in memory and requests that the source client proceed with a registration process, as indicated in step 120. There are many different ways in which the source client can register its e-mail address. In one advantageous implementation, the destination SMTP server sends a reply message to the source client and requests that the source client send back a reply message. When the destination SMTP server receives the reply message, the original e-mail message is “filtered-in” and released to the destination client. However, if the original message is junk e-mail produced by a robotic delivery program, the destination SMTP server will never receive a response to its reply message because the source client e-mail address does not exist. *See Heiner, Col. 3, Lines 39-55.*

At any time, the destination client can add e-mail addresses and remove e-mail addresses from the accept and reject lists. *See Heiner, Col. 4, Lines 24-26.*

The above asserted portions are silent as to how the registration process is performed. Further investigation of Heiner shows that the “registration process is successfully completed when the source client responds correctly”. *See Heiner, Col. 3, 61-62.* Thus, the registration process described merely involves

registration of the source client with the destination SMTP server. Claim 1, however, recites “registering a first user that maintains a first client machine and a second user that maintains a second client machine with a discovery machine”.

The Examiner then asserts that Heiner discloses “the discovery machine establishing a direct link between the first client machine and the second client machine; and delivering the communication” *See Office Action, Page 7*. The Examiner cites the following portion of Heiner to support this assertion, “In all implementations, if the source client’s email address is on the accept list, the destination SMTP server sends the e-mail message to the destination client, as indicted in step 90”. *See Heiner, Col. 3, Lines 23-26*. Thus, in this instance it is now the destination SMTP server that sends the e-mail message to the destination client, and not the source client. Consequently, a direct link is not caused to be established between the first and second client machines described as recited in Claim 1.

Heiner merely describes a filter. More specifically, Heiner illustrates a system with various servers and destination and source clients, but no direct links between those clients. Heiner only allows for direct interaction between a client and one of the servers, for example:

In a first step 60, a source client composes an e-mail message and the message is sent to the source SMTP server. Then in step 70, the source SMTP server sends the e-mail message to the destination SMTP server. In step 80, the SMTP server compares the source client’s e-mail address to an accept list. The accept list contains the e-mail addresses of source clients

from which the destination client wishes to receive e-mail messages. *See Heiner, Col. 3, Lines 10-20.*

Therefore, Heiner describes a multiple step process in which an e-mail is sent to various sources and authenticated before it is finally sent on to its intended destination, as opposed to the claimed “direct link” feature. Accordingly, it is respectfully submitted that Heiner does not disclose a direct link.

For at least the above reasons, it is respectfully submitted that a *prima facie* case of anticipation has not been established and withdrawal of the rejection is respectfully requested.

**Claims 2 and 9-11** depend either directly or indirectly from claim 1 and are allowable as depending from an allowable base claim. Each of the dependent claims is allowable based on the same rationale discussed with respect to claim 1. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither shown nor suggested in the references of record, either singly or in combination with one another.

For example, in rejecting claim 2, the Examiner asserts that Heiner discloses, “wherein the direct link closes after the communication is delivered; (after delivery of the message). *See Office Action, Page 6.*

However, as before the Examiner does not cite any portion of Heiner in rejecting claim 2. As the Examiner is aware, the Examiner “ordinarily should reject each claim on all valid grounds available.” *M.P.E.P. §707.07(g)*. Further, “[w]here a major technical rejection is proper, it should be stated with a full



development of reasons.” *Id.* Further, the Examiner’s action should be complete as to all matters. 37 C.F.R. 1.104 and M.P.E.P. §707.07(a). In this instance, the Examiner has failed to detail reasons why the above referenced dependent claims are rejected. Therefore, the Examiner has also failed to give the Applicant an opportunity to refute those reasons. Accordingly, it is respectfully submitted that the finality of the rejection is in error and a new office action is earnestly solicited and/or withdrawal of the rejections is respectfully requested. Should the Examiner fail to withdraw the finality or the rejection, the Applicant respectfully requests that the Examiner telephone the Applicant’s Attorney to discuss.

Regardless, for the same reasoning as is stated above, Heiner is silent as to closing a direct link as there never is a direct link established between clients for communication in the first place. New **Claims 33-56** are allowable based on similar reasoning and therefore the Applicant will not further burden the record. Withdrawal of the rejection is respectfully requested.

#### **35 U.S.C. § 103(a) Rejection**

Claims 1-4, 6-8 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,054,019 to Mathis et al. (hereinafter “Mathis”) in view of U.S. Patent No. 6,941,148 to Hansmann et al. (hereinafter “Hansmann”). The Applicant respectfully traverses the rejection and reserves the right to challenge use of the asserted references by the Examiner at a later time, such as to antedate the references. The claims are amended to increase clarity and

not in response to the asserted references and therefore the Applicant will address the original rejections below.

In rejecting claim 1, the Examiner first asserts Mathis. However, Mathis merely describes a first node and a second node, and does not teach or suggest a third device such as the discovery machine as recited in Claim 1. Because of the lack of teaching or suggestion of a third device, Mathis is merely relied upon to support communication between a first and second node:

In some situations, it is necessary for a local node to be able to transmit data to and receive data from a remote node in a single transaction. This prevents interference from third party nodes during the time between closing of a transmission link in one direction and initiating a new link in the other direction. *See Mathis, Col. 1, Line 51-55.*

Thus, the expressed purpose of Mathis is to provide for communication between two devices in a single atomic link that does not involve any other devices. Accordingly, Mathis cannot be said to teach or suggest a system having more than two devices.

The Examiner then correctly asserts the following:

Mathis does not disclose the first user and the second user registering with a discovery machine, wherein the discovery machine is coupled to the network; wherein the communication is initiated via the discovery machine; the discovery machine determining that the first user will accept the communication; the discover machine establishing a direct link between the first client machine and the second client machine; wherein at least one of the first user and the second user maintains a plurality of contact information; wherein an individual entry in the plurality of contact information is automatically updated when an associated user of the individual entry updates a corresponding entry locally

at a client machine of the associated user; wherein a third user can initiate a new communication to at least one of the first and the second user via a web page interface coupled to the discovery machine; wherein the discover machine is a central server. *See Office Action, Pages 8-9.*

To correct these defects, the Examiner asserts Hansmann as follows:

Hansmann discloses a device registry for automatic connection, whereby one or more user devices registers with a central registry server then submits a request to access a service by selecting an icon on the user's display, and wherein the request is forwarded to the central registry server, which mates the request to a backend system providing the service; wherein the user device maintains a list of registry server address. *See Office Action, Page 9.*

The following portion of Hansmann is referenced to support the above assertion:

The user of the device-when he wants to perform any desired business process-selects a business process, e.g., by selecting a respective icon visible on the display. The icon represents either a particular device application, e.g., a flight reservation front end application, or it just represents a possibility, i.e., an option to perform a particular set of business processes, which are related to some general topic, as e.g., 'travelling'-associated with a symbolized aircraft icon. Behind said item/icon a program is implemented establishing a connection to a particular service provider or a group of providers. Upon receiving a double-click on said icon, i.e., start of said communication program an inventional Device Registry Server, further referred to and abbreviated herein as DRS is then connected via e.g., a mobile radio communication to the device...

The pervasive device can advantageously store a plurality of DRS addresses. Advantageously, a DRS is associated with a particular service provider, as e.g., a travel agency... *See Hansmann, Col. 2, Lines 40-55 and 65-67.*

However, Hansmann merely describes a system in which a user, using a system of icons, accesses a business process through a device registry server by clicking an

icon. Double-clicking of the icon is used to establish “a connection to a particular service provider or a group of providers”. *Id.* However, this is the sole teaching relied upon by the Examiner from Hansmann, which does not overcome the above detailed deficiencies of Mathis, alone or in combination with Mathis.

To purportedly support a reading of these features, the Examiner asserts that it “would be obvious of ordinary skill in the art at the time the invention was made for the first user and the second user to register with a discovery machine, wherein the discovery machine is coupled to a network...” See *Office Action, Page 9*. Additionally, the Examiner further states that the device in Hansmann scales well and “...enables a user device to connect with ever increasing services in a flexible manner without knowing in advance which backend system provides the required service. See *Office Action, Page 9*. The Examiner further asserts the following portion of Hansmann, “...any time at any place, it is necessary that these devices can connect to many different backend systems in a flexible way without knowing in advance which backend system will hold the user-required data whereby a minimum extent of customization work for the PD-user should be tolerated in view of an envisaged increased user comfort” See *Hansmann, Col. 2, Lines 1-6*.

Regardless, it is respectfully submitted that these assertions still do not teach or suggest the features of Claim 1 alone or in combination with any of the asserted references, e.g., “determining”, “wherein said direct link is not established if said first user does not accept said communication”, and so on. Rather, these assertions and the asserted portions of Mathis and Hansmann merely result in a collection of elements that together would not result in the features of

claim 1. This collection is not supported by a teaching or suggestion within the asserted references as to how these elements would function together. Indeed, it is respectfully submitted that the modification proposed by the Examiner runs counter to the expressed purpose of the asserted references. As previously described, Mathis merely describes communication between two nodes. Indeed, inclusion of more than one node is taught away by Mathis as shown in the following excerpt:

In some situations, it is necessary for a local node to be able to transmit data to and receive data from a remote node in a single transaction. This prevents interference from third party nodes during the time between closing of a transmission link in one direction and initiating a new link in the other direction. *See Mathis, Col. 1, Line 51-55.*

Thus, the deficiencies of Mathis, e.g., Mathis lacking a discovery machine and a server, cannot be overcome by the purported flexibility in Hansmann as this teaches away from the purpose of Mathis. Withdrawal of the rejection is respectfully requested.

**Claims 2, 4, 6-8 and 13** depend either directly or indirectly from claim 1 and are allowable as depending from an allowable base claim. Each of the dependent claims is allowable based on the same rationale discussed with respect to claim 1. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither shown nor suggested in the references of record, either singly or in combination with one another.

For example, **claim 3** recites, “The method as recited in claim 1, wherein if said first user is not available to receive said communication, said communication is stored by said discovery machine until said first user becomes available”. In

rejecting claim 3, the Examiner asserts that in addition to claim 3 being unpatentable over Mathis in view of Hansmann, Hansmann also:

...discloses that the registry server establishes a connection to the backend system through its backend router, wherein the router holds tables which define on which backend system the required application is installed. It is further notoriously well known in the art for routers to implement queuing disciplines; for example in the event that a destination is not available, a router implementing a fair queuing technique will queue the flow directed to a nonresponsive destination. Official notice of this teaching is taken. *See Office Action, Page 10.*

The cited portion of Hansmann is, "Then, the Registry Server establishes a connection to the backend system via its backend router. The router holds tables that define on which backend system the required application is installed." *See Hansmann, Col. 3, Lines 38-43.* Hansmann merely describes the storage of data and tables, and not actual communication that has yet to be delivered. In essence, the storage of data and tables in Hansmann is described as a kind of map for finding installed applications, which no teaching or suggestion beyond that. Withdrawal of the rejection is respectfully requested.

**Claim 12** was rejected under 35 U.S.C. §103 (a) as being unpatentable over Mathis in view of Hansmann, and further in view of U.S. Patent No. 6,185,611 to Waldo et al. (hereinafter, Waldo). Claim 12 recites, "The method as recited in claim 1, wherein determining that said first user will accept said communication further comprises the step of storing notification of said communication if said first user is unavailable". The Examiner asserts (as Applicant also concluded above) that while, "Neither Mathis nor Hansmann disclose the step determining that the first user will accept the communication further comprises the step of storing notification of the communication if the first user is unavailable" *See*

*Office Action, Page 11.* The Examiner then states that “Waldo discloses a lookup service in a distributed network system that enables registered clients to be notified of the status of a service, including if a service is not available.” *See Office Action, Page 11.* The Examiner then cites the following portions of Waldo:

By receiving such a notification, clients can avoid attempting to access a service that is no longer available and can make use of new services as soon as they are added to the lookup service. In accordance with methods consistent with the present invention, a method is provided in a data processing system having a lookup service with associated services. This method receives a request by the lookup service for notification when the lookup service is updated, determines when the lookup service is updated, and generates a notification when it is determined that the lookup service is updated. *See Waldo, Col. 2, Line 60-Col. 3, Line 2*

and in addition:

Figure 4 depicts a flow chart of the steps performed by the lookup service when performing event-related processing. Initially the lookup service receives registrations from a number of clients interested in receiving notifications when particular events occur (step 402). In this step, the lookup service receives the registrations via invocation of the notification method on the lookup service interface and stores into a table, known as the event table, all of the associated information, such as an indication of the event in which the client is interested. It should be noted that a client may register to be notified upon the occurrence of an event, or the client may register for a third party to be notified. After receiving the registrations, the lookup service determines whether an event occurred such that at least one client has registered an interest in the event (step 404). The lookup service makes this determination by identifying when, for example, a new service has been added to the lookup service, an existing service has been deleted from the lookup service, or the attributes of a service have been modified. If such an event has not occurred, the event notification process of the

lookup service remains in a wait state. However, if an event has occurred, the lookup service determines all clients registered for notification for this event (step 406). This lookup service makes this determination by accessing the event table. Next the lookup service invokes each callback routines registered for each client identified in step 406 (step 408). In this step, the event table contains a reference to the callback routine, passing the registered objects as parameters, to notify the clients of the occurrence of the event. *See Waldo, Col. 11, Line 54-Col. 12, Line 18.*

However, Waldo merely discloses a notification system, similar to a reminder system. Waldo fails to teach the claimed feature of "...storing notification of said communication if said first user is unavailable", and in fact only determines which data to transfer based on whether a user is registered. This determination is not based on user availability, alone or in combination with the other asserted references. In essence, Waldo's system allows for data delivery to an unavailable user as long as that user is registered. Therefore, the system described by Waldo is only capable of notifying users as soon as an event occurs and not on the basis of user availability.

New **Claims 33-56** are allowable based on similar reasoning and therefore the Applicant will not further burden the record. Accordingly, it is respectfully submitted that a *prima facie* case of obviousness has not been established and withdrawal of the rejection is respectfully requested.



**Conclusion**

Pending claims 1-13 and 34-56 are in condition for allowance, and Applicant respectfully requests issuance of the subject application. If any issues remain that preclude issuance of the application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: October 13, 2008

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